

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

RIDDLE & ASSOCIATES, P.C., Utah  
Corporation,

CASE NO. 07cv1361 WQH (NLS)

**ORDER**

vs.  
HEIDI MORCOS, an individual,

Defendant.

HAYES, Judge:

On July 25, 2007, Plaintiff filed the Complaint (Doc. # 1). On February 21, 2008, this Court issued an Order (Doc. # 3) which states:

This Order constitutes notice to Plaintiff that the Court will dismiss this action without prejudice on or after 3/17/08, unless, no later than that date, Plaintiff files either (1) proof that the service of the summons and complaint was timely effectuated *or* (2) a declaration under penalty of perjury showing good cause for failure to timely serve the Defendant with the summons and complaint accompanied by a motion for leave to serve process outside of the 120 day period.

To date, Plaintiff has not filed proof that the service of the summons and complaint was timely effectuated, or a declaration showing good cause for failure to timely serve the Defendant with the summons and complaint. In light of Plaintiff's failure to show cause why this action should not be dismissed pursuant to the Court's February 21, 2008 Order, the Court concludes that dismissal of the above-captioned action without prejudice is appropriate.

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1 IT IS HEREBY ORDERED that the above-captioned action is **DISMISSED** without  
2 **prejudice.**

3 DATED: May 7, 2008

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5 **WILLIAM Q. HAYES**  
6 United States District Judge

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